

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID ST. ANN,

Plaintiff

v.

Case No. 5:15-cv-11770

Judge Judith E. Levy

Magistrate Judge Anthony P. Patti

TODD MCLEAN,
DEAN POTILA,
SAMUEL MORGAN and
THOMAS HAYNES,

Defendants

**ORDER GRANTING IN PART and DENYING IN PART PLAINTIFF'S
MOTION (DE 20) FOR STAY OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT (DE 16)**

Plaintiff's response to Defendants' pending motion for summary judgment was due on May 4, 2016. (*See* DEs 16, 17, 19.) Currently before the Court is Plaintiff's motion, dated April 28, 2016 and filed May 6, 2016, in which Plaintiff asks the Court to stay its consideration of Defendants' motion for six months. (DE 20.) In support of his request, Plaintiff describes the obstacles he is encountering as a *pro se*, indigent prisoner plaintiff and his role as the alleged victim in *People v. John George* (Saginaw County). (DE 20 at 2-3, DE 17 at 10.)

Presumably, Plaintiff would like more time to respond to Defendants' pending dispositive motion. Moreover, Plaintiff is considering seeking leave to

amend his complaint, a second time, to include the allegations regarding the October 13, 2015 altercation with Prisoner George, an October 14, 2015 conversation with ARUS Buczek and an October 27, 2015 altercation. (DE 20 at 7-9; *see also* DE 20 at 10-12.)

Upon consideration, Plaintiff's motion (DE 20) is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff **SHALL** have until **Tuesday, May 31, 2016** by which to file a response to Defendants' pending motion for summary judgment. His request to stay consideration of the summary judgment motion is **DENIED**. To the extent Plaintiff is concerned about ordering medical records, authenticating medical records or requesting discovery (*see* DE 20 at 11), Plaintiff is reminded that *the discreet issue presented in Defendants' motion for summary judgment is whether the claims within Plaintiff's amended complaint have been exhausted in accordance with 42 U.S.C. § 1997e(a).* (*See* DEs 6, 16.) Also, should Plaintiff ultimately file a motion to amend his first amended complaint, he is reminded that any such file must be filed in accordance with the Federal Rules of Civil Procedure (particularly Fed. R. Civ. P. 15), the Local Rules of the E.D. Mich. (particularly E.D. Mich. LR 15.1) and my on-line practice guideline regarding "Amended Pleadings," which requires that the proposed amended complaint attached to a motion to amend "must in some way identify the revisions to the pleading. For

example, proposed changes can be highlighted, underlined, or filed in a tracked-changes format.”

IT IS SO ORDERED.

Dated: May 13, 2016

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on May 13, 2016, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the

Honorable Anthony P. Patti